



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: _____ Application No: _____

APPLICANT NAME: EVERGREEN EAST, LLC / M. HAKIM HILLIARD

Daytime Phone: 404.797.5525 E-Mail: hhilliard@cglawfirm.com

Mailing Address: 1834 Independence Square, Atlanta, GA 30338

Owner Name: Evergreen East, LLC

(If more than one owner, attach contact information for each owner)

Daytime Phone: _____ E-Mail: _____

Mailing Address: 5099 Memorial Drive, Stone Mountain, Georgia 30338

SUBJECT PROPERTY ADDRESS OR LOCATION: 5099 Memorial Drive, Stone Mountain, Georgia 30083 DeKalb County, GA

Parcel ID: 18-043-02-134 Acreage or Square Feet: 803 Commission Districts: 6 & 4

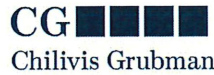
Existing Zoning: C-1 Proposed Special Land Use (SLUP): (1) Alcohol outlet (beer/wine) (2) automobile service station

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: _____ Agent: X

Signature of Applicant:

[Handwritten signature]



Chilivis Grubman

YOU ARE INVITED

to

**NOTICE OF SPECIAL LAND USE APPLICATION
COMMUNITY MEETING**

FOR

EVERGREEN EAST 5099 Memorial Drive

is applying for Special Land Use Permit to construct a Service Station and Restaurant and

Special Land Use Permit to sell beer and wine by the package

Submitted for Applicant by:

M. Hakim Hilliard, Esq.

Find out more about
the project, ask questions, and
voice your opinion at the
following community meeting:

on

Friday October 18, 2024

At 6:00 PM

5099 Memorial Drive

(If you have any questions or concerns regarding the application,
prior to or after the meeting please email them to

dhayley@cglawfirm.com)

SIGN IN SHEET

2

NAME ADDRESS EMAIL

Shirley Collins	555 Doyal Mills Ct	ShirleyCollins49@gmail
Vera Redmond	4003 Flintridge Dr	leonaredmond@gmail.com
Frizella Redmond	"	far913@yahoo.com
USRA Redmond	4003 FLINTRIDGE DR.	
Joe Arrington	466 S. Ave 40	jarrington55@gmail.com
Becky Arrington	"	"
J. Boro WSK		
Jan Dunaway	4672 Fellswood Dr	dunawayjd
Marcia Pauly	4035 Flintridge Dr	mpauly299
Shirley Miller	4149 Flintridge Dr	shirleybellsmith@gmail.com
A. Borowski		ta29779@yahoo.com
Rev. KANDAL PALM	5135 Memorial Dr.	r111158@aol.com
CHARLES BOPP	5135 MEMORIAL DR	ROA. TREASURER
Phonnie Johnson	4054 Rue D'Orleans	BELLSOUTH-NET
Heather Hubbs	550 Doyal Mills Ct	Heatherhubb@gmail.com
MIKE COOPER	663 Ridge Av SIML	liffle.creek@aol.com
Kristal Hill		K3kat279@yahoo
Saul Galindo	605 Doyal Mills	Pablogatica88@gmail
Pablo Galindo	605 Doyal Mills	
Daynah Florence	586 Doyal Mills Ct.	daynahflorence@gmail.com



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Direct dial 404-797-5525
hhilliard@cglawfirm.com

October 28, 2024

BY EMAIL ONLY

RE: Letter of Application for SLUP - 5099 Memorial Drive, Stone Mountain, GA 30083

To Whom It May Concern:

This letter serves as an application for a Special Land Use Permit (SLUP) for the property located at 5099 Memorial Drive, Stone Mountain, Georgia 30083 (the "Subject Property"). The Subject Property is currently zoned C-1 and was formerly the site of The Original Pancake House restaurant. The Applicant proposes to redevelop the Subject Property with an automobile service station and restaurant space. The total square footage of the proposed development is approximately 5,500 square feet.

Specifically, we are requesting a SLUP for:

1. An automobile service station
2. An alcohol outlet

The proposed development will include a convenience store associated with the service station. While the operating hours for the convenience store have not yet been determined, the restaurant space is intended to be a dine-in establishment.

In accordance with the application requirements, we have engaged with the impacted neighborhood to discuss the proposed use. During these discussions, neighbors expressed concerns about crime and loitering in the area, as well as their perception that there are already sufficient automobile service stations in the vicinity. We have considered these concerns and are committed to implementing measures to address them in our development plan.

We believe that this proposed development will contribute positively to the area by revitalizing closed property and providing needed services to the community. The combination of a service station and restaurant space will offer convenience to residents and passing motorists alike. We look forward to working with the Department of Planning and Sustainability throughout this process and are prepared to provide any additional information or clarification as needed.

Thank you for your consideration of this application.

Sincerely,



M. Hakim Hilliard

IMPACT ANALYSIS

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located. The 1.38-acre site at 5099 Memorial Drive is more than adequate for the proposed uses. The site plan demonstrates sufficient land area to accommodate the automobile service station, convenience store, and full-service sit-down restaurant while meeting all required setbacks, open spaces, parking, and other zoning requirements. The layout efficiently utilizes the available space, ensuring compliance with all applicable zoning district regulations.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use. The proposed redevelopment is compatible with adjacent properties and land uses in the district. The mix of service station, convenience store, and restaurant complements the existing commercial character of the area. The applicant is committed to implementing measures to mitigate any potential adverse impacts on adjoining land uses, such as traffic management strategies, noise reduction techniques, and state-of-the-art pollution control systems.

C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use. The site's location on Memorial Drive ensures adequate public services, facilities, and utilities to support the proposed uses. Existing infrastructure can readily accommodate the service station, convenience store, and restaurant operations without strain on public resources.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area. Memorial Drive is a major thoroughfare with sufficient traffic-carrying capacity to support the proposed uses. The site plan includes well-designed ingress and egress points to facilitate smooth traffic flow and minimize congestion.

E. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency. The site plan illustrates carefully designed ingress and egress points that prioritize pedestrian and automotive safety. The layout ensures efficient traffic flow and provides clear access routes for emergency vehicles.

F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use. The proposed uses will operate

in a manner that minimizes adverse impacts on adjoining land uses. The applicant is willing to work with neighbors to establish mutually agreeable operating hours and implement measures to mitigate any potential disturbances.

G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located. The proposed uses align with the zoning district classification, as evidenced by the need for special land use permits for the service station and beer and wine sales.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan. The proposed redevelopment advances the policies of the comprehensive plan by revitalizing an underutilized property and providing needed services to the community.

I. Whether there is adequate provision of refuse and service areas. The site plan includes designated areas for refuse collection and service, ensuring proper waste management and minimizing any potential negative impacts on surrounding properties.

J. Whether the length of time for which the special land use permit is granted should be limited in duration. Given the substantial investment in redeveloping the property and the long-term nature of the proposed uses, a permanent special land use permit is appropriate.

K. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height. The proposed buildings are appropriately sized and scaled in relation to the subject property and surrounding developments. The design takes into account potential shadow impacts, ensuring minimal effect on adjoining properties.

L. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources. The proposed redevelopment does not adversely affect any known historic buildings, sites, districts, or archaeological resources in the area.

M. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit. The proposed uses will comply with all supplemental regulations associated with the special land use permits for the service station and beer and wine sales.

N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process. The proposed redevelopment addresses several community needs by:

1. Replacing a vacant, deteriorating structure with modern, attractive facilities.
2. Providing convenient access to fuel, groceries, and dining options.

3. Creating jobs and stimulating local economic activity.
4. Improving safety and reducing the potential for crime by activating a previously unused site.

The applicant is looking forward to working closely with adjacent and nearby neighbors to ensure that any concerns about potential negative impacts of the proposed use can and will be ameliorated through appropriate development conditions. This collaborative approach will help create a project that not only meets the applicant's goals but also enhances the overall quality of life for the surrounding community.



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: OCT 28, 2024

TO WHOM IT MAY CONCERN:

(I), (WE) M Hank Hill
Name of owners(s) (If more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to:

5099 Memorial Drive, DeKalb County GA 30338
Name of Agent or Representative

to file an application on (my), (our) behalf



Frances C. Dorfman
Notary Public

[Signature]
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes _____ No *

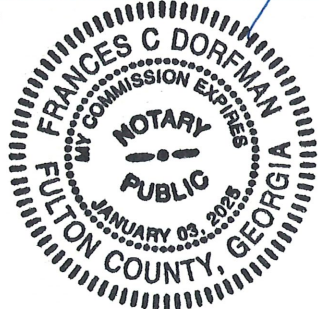
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.



Notary





Signature of Applicant /Date

Check one: Owner _____ Agent

Expiration Date/ Seal

*Notary seal not needed if answer is “no”.

REFERENCE MATERIAL

1. WARRANTY DEED IN FAVOR OF KENDRICK, INC. DEED BOOK 19725 PAGE 288 DEKALB COUNTY, GEORGIA RECORDS
2. SURVEY FOR HEARLE OIL AND REFINING COMPANY PLAT BOOK 48 PAGE 85 DEKALB COUNTY, GEORGIA RECORDS

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.A.R.M. OFFICIAL FLOOD HAZARD MAPS.

LEGEND

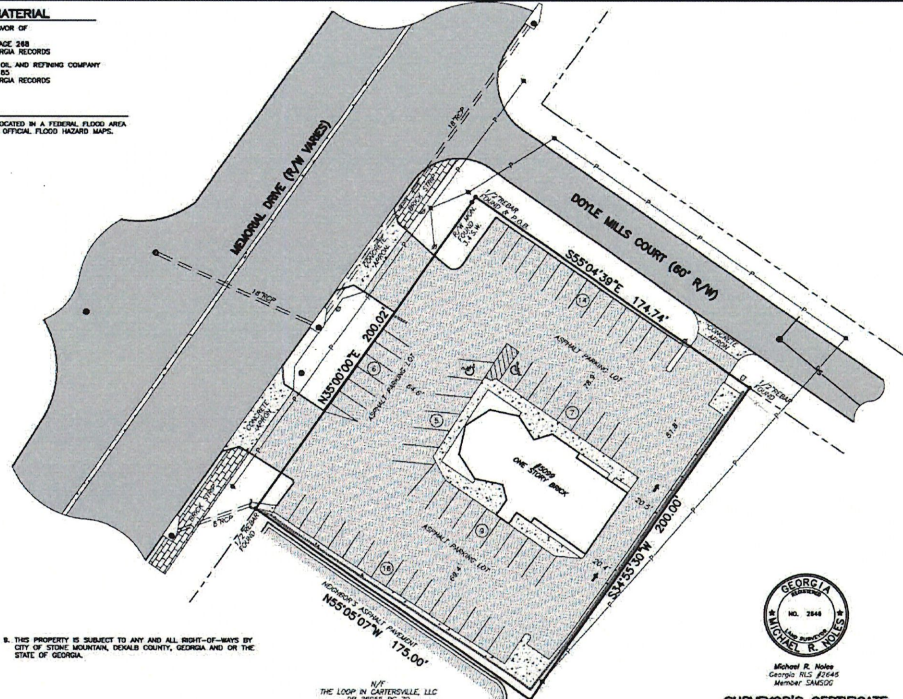
- B DENOTES BUILDING LINE
- P DENOTES PROPERTY LINE
- R/W DENOTES RIGHT-OF-WAY
- CL DENOTES CENTERLINE
- CLC DENOTES BACK OF CURB
- S DENOTES CLUTTER
- SP DENOTES SIDE OF PAVING
- TV DENOTES TOP OF WALL
- BT DENOTES BOTTOM OF WALL
- PF DENOTES FENCE
- PC DENOTES REINFORCED CONCRETE PIPE
- CMF DENOTES CORRUGATED METAL PIPE
- CP DENOTES CEMENT POLE
- LP DENOTES LIGHT POLE
- OW DENOTES OUT WIRE
- P DENOTES POWER LINE
- PM DENOTES POWER METER
- PO DENOTES POWER BOX
- FO DENOTES FIBER OPTIC
- TE DENOTES TELEPHONE BOX
- DM DENOTES GAS METER
- DV DENOTES GAS VALVE
- GLM DENOTES GAS LINE MARKER
- WM DENOTES WATER METER
- WV DENOTES WATER VALVE
- PH DENOTES FIRE HYDRANT
- MW DENOTES MONITORING WELL
- HW DENOTES HEADWALL
- JS DENOTES JOINT BOX
- CS DENOTES CATCH BASIN
- SS DENOTES SANITARY SEWER LINE
- SSM DENOTES SANITARY SEWER MANHOLE
- CD DENOTES CLEAN OUT
- P.O.B. DENOTES POINT OF BEGINNING
- P.O.C. DENOTES POINT OF COMMENCEMENT
- MON. DENOTES MONUMENT

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON ABOVE GROUND STRUCTURES, UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.



2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECONVEYANCE OF THE SURVEYOR NAMED SUCH PERSON, PERSONS OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVELER. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 172,408 FEET. A GEOMAX ZODIAC 80 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
5. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
7. ALL DIMENSIONS SET ARE 1/2" DIMENSIONS UNLESS OTHERWISE NOTED.
8. IN THE EVENT OF A SUE AND LOCATION OF IMPROVEMENTS SUPPORTS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.



9. THIS PROPERTY IS SUBJECT TO ANY AND ALL RIGHT-OF-WAYS BY CITY OF STONE MOUNTAIN, DEKALB COUNTY, GEORGIA AND OR THE STATE OF GEORGIA.

N/T THE LOOP IN CARTERSVILLE, LLC 229 26555 PG 70



SURVEYOR'S CERTIFICATE

This plat is a reproduction of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes in any real property boundaries. The recording information of this document, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECONVEYANCE OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-87.

Michael R. Niles

Michael R. Niles Georgia RLS No. 2646 6-1-18

NO.	REVISIONS	DATE

McLUNG SURVEYING SERVICES, INC.
 4833 South Cobb Drive, Suite 202
 Smyrna, Georgia 30080 (770) 434-3385
 www.mclungsurveying.com
 Certificate of Authorization #LSF000792

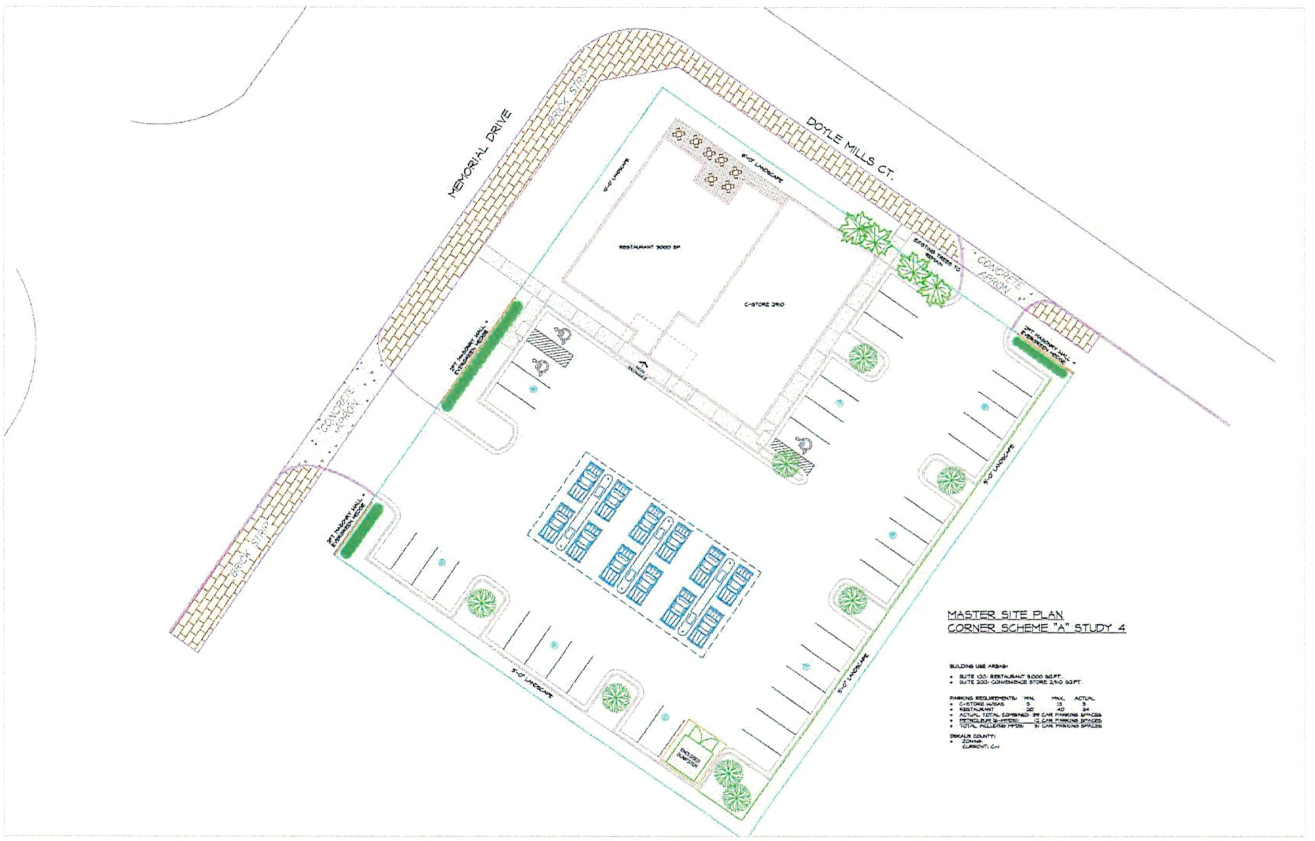
SURVEY FOR
 FOREVER HOLDINGS, LLC
 SOUTHERN FIRST BANK
 STEWART TITLE GUARANTY COMPANY

5089 MEMORIAL DRIVE
 STONE MOUNTAIN, GEORGIA
 TOTAL AREA= 0.803± ACRES
 OR 34,976± SQ. FT.

30' 15' 0' 30' 60'
 SCALE IN FEET

LAND LOT 43
 16TH DISTRICT
 DEKALB COUNTY
 GEORGIA
 PLAT PREPARED: 6-1-18
 FIELD: 5-31-18 SCALE: 1"=30'
 JOB#247908

Site Plan



LEGAL DESCRIPTION

BEGINNING at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 35; Thence South $00^{\circ}00'00''$ East along the East line of said Section 35, also being the Westerly right-of-way line of Memorial Drive, a distance of 659.98 feet; Thence South $89^{\circ}59'44''$ West a distance of 659.98 feet to a point on the Easterly right-of-way line of Doyle Mills Court; Thence North $00^{\circ}00'00''$ West along said Easterly right-of-way line a distance of 659.98 feet; Thence North $89^{\circ}59'44''$ East a distance of 659.98 feet to the POINT OF BEGINNING.

Said parcel contains ~~10.08~~ ^{10.08} acres, more or less, SUBJECT TO AND TOGETHER WITH all easements and rights-of-way of record or apparent. Basis of Bearings: The East line of Section 35 is assumed to bear South $00^{\circ}00'00''$ East.

This description is based on a survey performed by Evergreen Land Surveying, LLC, dated October 28, 2024, Job No. 24-001



Concept Design Style C
by ADC Architects

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Mustaq Moosa Property address 5099 Memorial Drive

Tax Parcel ID: 18 043 02 081 Comm. District(s): 4 & 6 Acreage: .8 acres

Existing Use: Restaurant (Original Pancake House) Proposed Use: tear down existing restaurant and build new Convenience store with fuel pumps and alcohol outlet (beer and wine)

Supplemental Regs: _____ DRI: NA

Rezoning: Yes _____ No X

Existing Zoning: C-1 Proposed Zoning: NA

Land Use Plan Amendment: Yes _____ No X

Existing Land Use: SUB (Suburban) Proposed Land Use: NA- SUB allows a maximum density of up to 8 units per acre rad

Consistent _____ Inconsistent _____

Special Land Use Permit: Yes _____ No X

SLUP for fuel pumps and alcohol outlet (beer and wine sales) for proposed convenience store _____

Major Modification: NA

Existing Case Number(s): N

Condition(s) to be modified:

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: X Review Calendar Dates: _____ PC: 01/07/25** BOC: 01/23/25** Letter of Intent: X Impact Analysis: X Owner Authorization(s): _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Campaign Disclosure: Zoning Conditions: Community Council Meeting:
 12/17/24* Public Notice, Signs: Tree Survey, Conservation: Land
Disturbance Permit (LDP): Sketch Plat: Bldg. Permits: Fire Inspection:
 Business License: State License: Lighting Plan: Tent Permit:
 Submittal Format: NO STAPLES, NO BINDERS PLEASE

***Deadline for hosting pre-community meeting with 15 days notice for January 2025 agenda cycle would be 10/21/24**

****Filing Deadline for application is 10/28/24—PLEASE EMAIL John Reid in addition to submitting application through portal, and confirm with John Reid that he has received your complete application.**

Review of Site Plan—NO SITE PLAN SUBMITTED

Density: Density Bonuses: Mix of Uses: Open Space: Enhanced
Open Space: Setbacks: front sides side corner rear Lot Size:
 Frontage: Street Widths: Landscape Strips:
Buffers: Parking Lot Landscaping: Parking - Auto: Parking - Bicycle:
 Screening: Streetscapes: Sidewalks: Fencing/Walls: Bldg.
Height: Bldg. Orientation: Bldg. Separation: Bldg. Materials: Roofs:
Fenestration: Façade Design: Garages: Pedestrian Plan: Perimeter
Landscape Strip:
Possible Variances: NA no site plan provided for pre-app meeting.

Comments: Show how proposed SLUPS are compatible with surrounding area including the single-family residential area to the south. **Consider preserving the existing historic building for the operation of the convenience store.** Show compliance with C-1 zoning standards including but not limited to minimum building setbacks, maximum building height, sidewalks and street trees, etc. Show compliance with supplemental regulations for Fuel Pumps and Alcohol Outlet. Confirm with Business and Alcohol Division that you comply with Alcohol Ordinance, including comply with alcohol survey. Show how proposed SLUPS are consistent with TC Character Area of the 2050 Comprehensive Plan which encourages pedestrian oriented uses.

This only a preliminary review and is not a complete list of zoning requirements, a final and complete review and official Planning Department recommendation will be done upon official submission of a

DEPARTMENT OF PLANNING & SUSTAINABILITY

rezoning or rezoning including a concept plan. If the application were to be approved, the applicant would have to submit and obtain approval of land disturbance permits and building permits, and business and alcohol licenses.

Planner: John Reid Date 08/06/24

Filing Fees

REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00